FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6583 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.U.P.Warunjikar for the Applicant.

Mr.T.D.Deshmukh for the Respondent No.1.

Mr.P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 07/3/2006.

P.C.

1. This is an application impugning an order dated 20.9.2005 passed below Exh.104 in Cri. Case No. 286/2002 by which the J.M.F.C. Pune had issued summons to a witness from bank of Baroda after holding that such evidence sought to be lead by the defence is necessary. The court has however, passed an order that if the accused failed to bring the said witness, the evidence of the accused will be closed. Thereafter, order has been passed by

this court protecting the applicant. Once it has been held that the evidence of the officer of Bank of Baroda is necessary, it is open for the court to enforce the attendance of the said witness. If the witness is not appearing in pursuance of the summons, bailable warrant will be issued. In the circumstances, application is disposed of with the directions that the Trial court will issue fresh summons by RPAD to the concerned witness being the officer of Bank of Baroda, returnable in six weeks from the date of issuance of the summons. If inspite of the service, officer does not turn up, the Magistrate to take further steps according to law. With these directions application is disposed off.

(R. S. MOHITE, J.)